



**District of
Columbia**

**Department
of Health**

**HEALTH CARE
LICENSING &
CUSTOMER
SERVICE
DIVISION**

July 2000

MUNICIPAL OPTOMETRY REGULATIONS

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF FINAL RULEMAKING**

The Director, Department of Consumer and Regulatory Affairs hereby gives notice of the adoption of the following new Chapter 64 (Optometry) of Subtitle: Health Occupations of Title 17 DCMR (Business, Industry, and Professions). These rules were promulgated pursuant to the authority of the Director under § 302(14) of the D.C. Health Occupations Revision Act of 1985, D.C. Code § 2-3303.2(14) (1987 Supp.), and Mayor's Order No. 86-110 (33 DCR 5220; July 18, 1986). Comments in response to the proposed rulemaking published at 35 DCR 470 (January 22, 1988) were considered by the Director. Certain changes have been made in the text of the proposed rules. Final rulemaking action was taken on May 26, 1988. These rules are effective on the date of the publication of this notice in the D.C. Register.

CHAPTER 64 OPTOMETRY**6400 GENERAL**

- 6400.1 This chapter applies to applicants for and holders of a license to practice optometry.
- 6400.2 Chapters 40 (General Rules) and 41 (Administrative Procedures) of this title supplement this chapter.
- 6400.3 Only the following persons may practice optometry in the District:
- (a) An optometrist;
 - (b) An ophthalmologist; or
 - (c) A student practicing under the supervision of an optometrist or ophthalmologist in accordance with § 6411.

6401 TERM OF LICENSE

- 6401.1 Subject to § 6401.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of March 31 of each even-numbered year.
- 6401.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

6402 EDUCATIONAL REQUIREMENTS

- 6402.1 Except as otherwise provided in this subtitle, an applicant for a license shall furnish proof satisfactory to the Board that the applicant has received a doctoral degree in optometry based upon completion of a program which was accredited at the time the degree was conferred by the Council on Optometric Education of the American Optometric Association in accordance with § 504(h) of the Act, D.C. Code § 2-3305.4(h) (1987 Supp.).
- 6402.2 An applicant for a license shall arrange for a certified transcript of the applicant's record to be sent directly from the educational institution to the Board.

6403 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

6403.1 The Board may grant a license to practice optometry to an applicant who completed an educational program in an educational institution in a foreign country which program is not accredited by the Council on Optometric Education of the American Optometric Association if the applicant:

- (a) Meets all requirements of this chapter except for § 6402.1; and
- (b) Demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this subtitle and the Act in ensuring that the applicant is qualified to practice optometry by submitting the documentation required by § 6403.2.

6403.2 An applicant under this section shall, in lieu of meeting the requirements of § 6402.1, submit with the application a certification from a private education evaluation service approved by the Board that the applicant's foreign education is substantially equivalent to the education provided in an accredited program.

6403.3 The Board may interview an applicant under this section to determine whether the applicant's education or training meets the requirements of the Act and this chapter.

6403.4 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

6404 NATIONAL EXAMINATION

6404.1 To qualify for a license by examination, an applicant shall receive a passing score on the examination administered by the National Board of Examiners in Optometry (the national examination).

6404.2 An applicant who has passed an examination specified in § 6404.1 more than five (5) years prior to the application date, but who does not qualify for a license by reciprocity, shall not be required to retake the examination if the applicant demonstrates to the satisfaction of the Board that the applicant has been continuously licensed and practicing as an optometrist in the United States since the date the applicant passed the examination.

6404.3 An applicant shall arrange to have the applicant's national examination results sent directly from the testing service to the Board.

6404.4 The passing score on the national examination shall be the passing score set by the National Board of Examiners in Optometry on each test that forms a part of the examination.

6405 DISTRICT EXAMINATION

6405.1 To qualify for a license under this chapter, an applicant shall receive a passing score, as determined by the Board, on a practical examination developed by the Board (the District examination).

6405.2 The Board shall administer the District examination at least two (2) times a year.

6405.3 An applicant shall not be eligible to take the District examination until the applicant meets all other requirements for a license.

6405.4 The District examination shall consist of a demonstration by the applicant of competency in the practice of optometry.

6406 CONTINUING EDUCATION REQUIREMENTS

6406.1 Subject to § 6406.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring March 31, 1992 and for subsequent terms.

6406.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.

6406.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 6407.

6406.4 An applicant for renewal of a license shall limit proof of having completed twenty-four (24) hours of approved continuing education credit during the two (2) year period preceding the date the license expires.

6406.5 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Code § 2-3305.11 (1987 Supp.), who submits an application to reactivate a license shall submit proof of having completed twelve (12) hours of approved continuing education credit for each license year after March 31, 1990 that the applicant was in inactive status.

6406.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof of having completed twelve (12) hours of approved continuing education credit for each year after March 31, 1990 that the applicant was not licensed.

6406.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

6406.8 An applicant under this section shall prove completion of continuing education course work that was audited under § 6408.3 by submitting with the application a signed statement from the instructor on college stationery for each class attended.

6406.9 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof and by paying the required late fee. Upon submitting this proof and paying the late fee, the applicant is deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.

6406.10 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.

6406.11 The Board, in its discretion, may grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause.

6407 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

6407.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the growth of an applicant in professional competence to practice of optometry and which meet the other requirements of this section.

6407.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of § 6407.3.:

- (a) An undergraduate or graduate course given at an accredited college or university;
- (b) A seminar or workshop;
- (c) An educational program given at a conference;
- (d) In-service training; and
- (e) A correspondence course.

6407.3 To qualify for approval by the Board, a continuing education program shall:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one of the following requirements:
 - (1) Be administered or approved by a recognized optometry organization;
 - (2) Be taught as part of an accredited program under § 6402.1; or
 - (3) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

6407.4 The Board may issue and update a list of approved continuing education programs.

6407.5 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

6407.6 The Board may approve the following continuing education activities:

- (a) Serving as an instructor or speaker at a conference, seminar, workshop, or in-service training; and
- (b) Publishing a book or a chapter in a book, or publishing a book review, article or abstract in a professional journal or bulletin.

6408 CONTINUING EDUCATION CREDITS

- 6408.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.
- 6408.2 The Board may grant a maximum of two (2) continuing education credits per year for attending programs under § 6407.2 or completing activities under § 6407.6 determined by the Board to be in practice management.
- 6408.3 The Board may grant fifteen (15) hours of continuing education credit for each semester hour and ten (10) hours of continuing education credit for each quarter hour for undergraduate or graduate courses under § 6407.2(a).
- 6408.4 The Board may grant a maximum of five (5) continuing education credits per year to an applicant for attending in-service education programs under § 6407.2(d).
- 6408.5 The Board may grant a maximum of twenty-five percent (25%) of the applicant's continuing education requirement for taking correspondence courses under § 6407.2(e).
- 6408.6 The Board may grant a maximum of fifty percent (50%) of an applicant's continuing education requirement for completing continuing education activities under § 6407.6
- 6408.7 The Board may grant an applicant who serves as an instructor or speaker under §6407.6(a) credit for preparation and presentation time, subject to the following restrictions:
- (a) The maximum amount of credit that may be granted for preparation time is twice the amount of the associated presentation time;
 - (b) If an applicant has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject; and
 - (c) The presentation shall have been completed during the period for which credit is claimed.
- 6408.8 The Board may grant continuing education credit for publications under § 6407.6(b) only if the applicant proves to the satisfaction of the Board that the work has been published or accepted for publication during the period for which credit is claimed.
- 6408.9 The Board may not grant continuing education credit for programs or activities designed to promote specific instruments or other products of profit-making entities.

6409-6410 RESERVED**6411 PRACTICE OF OPTOMETRY BY STUDENTS**

- 6411.1 A student may perform actions which require a license as an optometrist only in accordance with the Act and this chapter.
- 6411.2 Only a student fulfilling the education requirements under § 103(c) of the Act, D.C. Code § 2-3301.3 (1987 Supp.) and § 6402 shall be authorized to practice under this section.
- 6411.3 Only an optometrist or ophthalmologist may supervise practice by students under this section.

- 6411.4 A student may practice only under the general or immediate supervision of an optometrist or ophthalmologist who is available in person on the premises, but who need not be physically present in the room at the time the student practices.
- 6411.5 For at least ten percent (10%) of supervised practice during any one (1) month period, a supervising optometrist or ophthalmologist shall be physically with the student and either discussing or observing the student's practice.
- 6411.6 A supervising optometrist or ophthalmologist shall review a student's optometric examination findings before a patient leaves the office.
- 6411.7 A student shall see patients on a randomly selected basis without bias toward a particular type of patient care, such as Medicare, Medicaid, or union contract.
- 6411.8 A student shall identify himself or herself as a student before performing actions of an optometrist.
- 6411.9 A supervising optometrist or ophthalmologist shall sign all prescriptions for eyeglasses or contact lenses.
- 6411.10 A supervising optometrist or ophthalmologist is fully responsible for all supervised practice by a student during the period of supervision, and is subject to disciplinary action for any violation of the Act or this chapter by the student.
- 6411.11 A student shall not receive compensation of any nature, directly or indirectly, from a patient, except for a salary based on hours worked in the training program.
- 6411.12 A student shall be subject to all of the applicable provisions of the Act and this subtitle. The Board may deny an application for a license by, or take other disciplinary action against, a student who is found to have violated the Act or this subtitle, in accordance with Chapter 41 of this title.
- 6411.13 If the Board finds that a student has violated the Act or this subtitle, the Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student to practice.

6412 ADMINISTRATION OF DIAGNOSTIC PHARMACEUTICAL AGENTS

- 6412.1 As used in this section, "diagnostic pharmaceutical agent" means any of the following chemicals:
- (a) Tropicamide, in a one-percent (1%) solution;
 - (b) Phenylephrine hydrochloride, in a two and one-half percent (2.5%) solution;
 - (c) Cyclopentolate hydrochloride, in a one percent (1%) solution;
 - (d) Proparacaine hydrochloride, in a one-half percent (0.5%) solution;
 - (e) Tetracaine, in a one-half percent (0.5%) solution;
 - (f) Benoxinate hydrochloride, in a two-fifths percent (0.4%) solution; and
 - (g) Hydroxyamphetamine hydrobromide, in a one percent (1%) solution.
- 6412.2 Only an optometrist certified in accordance with this section or a physician may administer a diagnostic pharmaceutical agent.

- 6412.3 An applicant for certification to administer diagnostic pharmaceutical agents shall do the following:
- (a) Submit a completed, notarized application on the prescribed form; and
 - (b) Demonstrate to the satisfaction of the Board that the applicant:
 - (1) Is either an applicant or an optometrist;
 - (2) Has completed a course approved by the Board in general and ocular pharmacology that meets the requirements of § 207 of the Act, D.C. Code § 2-3302.7 (1987 Supp.), by arranging for the institution to submit a transcript directly to the Board; and
 - (3) Has passed the pharmacology section of the examination administered by the National Board of Examiners in Optometry or other examination approved by the Board, by arranging for the test results to be submitted directly to the Board.
- 6412.4 Any course in general and ocular pharmacology offered or approved by an institution with an accredited program shall be a Board-approved course.
- 6412.5 The Board shall maintain a list of institutions and graduating classes thereof whose members are deemed to have fulfilled the education requirements of § 207(f)(1) of the Act, D.C. Code § 2-3302.7(f)(1) (1987 Supp.), and § 6412.3(b)(2) of this chapter.
- 6412.6 The Board shall make available copies of the list required by § 6412.5 to the public during normal business hours.
- 6412.7 An optometrist certified in accordance with this section shall not do the following:
- (a) Administer a diagnostic pharmaceutical agent which has not been approved for use by the Board;
 - (b) Administer a diagnostic pharmaceutical agent in excess of the concentrations specified in § 6412.1;
 - (c) Administer a diagnostic pharmaceutical agent to a patient who has had intraocular lens implants, except that the use of proparacaine hydrochloride in a one-half percent (0.5%) solution or benoxinate hydrochloride in a two-fifths percent (0.4%) solution to assist in the measurement of intraocular pressure is permissible;
 - (d) Administer a diagnostic pharmaceutical agent without a valid certification;
 - (e) Administer a diagnostic pharmaceutical agent by any means other than topical application to the eye;
 - (f) Administer a diagnostic pharmaceutical agent when the medical condition of the patient contraindicates such use; or
 - (g) Administer any of the pharmaceutical agents identified in § 6412.1 for therapeutic purposes.

6499 DEFINITIONS

- 6499.1 As used in this chapter, the following terms have the meanings ascribed:

Applicant-a person applying for a license to practice optometry under this chapter.

Board-the Board of Optometry, established by § 207 of the Act, D.C. Code 2-3302.7 (1987 Supp.).

Ophthalmologist-a physician specializing in ophthalmology.

Optometrist-a person licensed to practice optometry under the Act.

Physician-a person licensed to practice medicine under the Act.

6499.2

The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Code § 2-3303.2(14) (1994), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 64 (Optometry) and Chapter 36 (Occupational and Professional License Fee Schedule) of Title 17 of the District of Columbia Municipal Regulations (DCMR) (Business, Occupations and Professions). The amendments revise section 6412 to modify requirements for the administration of diagnostic pharmaceutical agents, and add a new section 6413 to establish requirements for the administration of therapeutic pharmaceutical agents by optometrists.

As a result of comments from interested parties, several changes have been made to the text of the proposed rulemaking as published at 96 DCR 1383 (February 19, 1999). These changes are deemed technical in nature, and do not impact upon the substance of the rules as proposed. First, the requirement for a Federal D.E.A. number provided in subsection 6413.3(b)(4) of the proposed rules has been deleted, because an optometrist is not permitted to administer a controlled substance under District law. Second, a new amendment to 17 DCMR § 3500 is added, which revises the schedule of fees in subsection 3500.1 to include the application fee provided in subsection 3500.1 to include the application fee provided in subsection 6413.3(a) of the proposed rules. These rules will become effective upon the publication of this notice in the D.C. Register.

Chapter 64 (Optometry) of Title 17 DCMR is amended by revising section 6412 and by adding a new section 6413 to read as follows:

6412 ADMINISTRATION OF DIAGNOSTIC PHARMACEUTICAL AGENTS

- 6412.1 For purposes of this section, "diagnostic pharmaceutical agent" means any pharmaceutical agent used in the diagnosis of ocular disease and conditions of the visual system.
- 6412.2 Only an optometrist certified in accordance with this section or a physician may administer a diagnostic pharmaceutical agent.
- 6412.3 An applicant for certification to administer diagnostic pharmaceutical agents shall do the following:
- (a) Submit a completed, notarized application; and
 - (b) Demonstrate to the satisfaction of the Board that he or she:
 - (1) Has either applied for licensure under this chapter as an optometrist, or has been issued a license under this chapter as an optometrist;
 - (2) Has completed a course approved by the Board in general and ocular pharmacology that meets the requirements of § 207 of the Act, D.C. Code §2-3302.7, and has arranged for the institution to submit a transcript directly to the Board; and
 - (3) Has passed the treatment and management of ocular disease (TMOD) section of the examination administered by the National Board of Examiners in Optometry, or any other examination approved by the National Board of Examiners in Optometry or the Board, and has arranged for the test results to be submitted directly to the Board.

6412.4 A course approved by the Board shall be any course in the treatment and management of ocular disease offered or approved by an institution with an accredited program.

6412.5 An optometrist authorized under this section to administer a diagnostic pharmaceutical agent shall not do the following:

- (a) Administer a diagnostic pharmaceutical agent by any means other than topical application to the eye:
- (b) Administer a diagnostic pharmaceutical agent when the medical condition of the patient contraindicates such use: or
- (c) Administer any pharmaceutical agent for therapeutic purposes unless authorized in accordance with the provisions of section 6413 of this chapter.

6413 ADMINISTRATION OF THERAPEUTIC PHARMACEUTICAL AGENTS

6413.1 As used in this section, the term "therapeutic pharmaceutical agents" means appropriate topical drugs and oral systemic drugs, including antibiotics, appropriate analgesics, antihistamines, non-steroidal anti-inflammatories, and anti-glaucoma medications. The term "therapeutic pharmaceutical agents" includes topical steroidal anti-inflammatories and antivirals, or oral medications for the emergency treatment of angle closure glaucoma. The term "therapeutic pharmaceutical agents" does not include oral and injectable antiviral and antifungal agents and other oral and injectable agents not authorized in this section, except for an injectable to counter an anaphylactic reaction.

6413.2 Only an optometrist certified pursuant to this section may
Title 17 DCMR § 3500, subsection 3500.1, is amended by adding the following:

DESCRIPTION OF SERVICE

FEE

OPTOMETRIST:

(to use diagnostic pharmaceutical agents)

Application for Certification	\$150.00
Renewal (2 yr/s.)	\$100.00